

Regular Session, 2009

HOUSE BILL NO. 90

BY REPRESENTATIVE LIGI

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIME: Amends the crime of cruelty to animals

## 1 AN ACT

2 To amend and reenact R.S. 14:102.1(A)(1)(h) and (2) and (B)(5) and to enact R.S.  
3 14:102.1(A)(3) and (B)(6), relative to the crime of cruelty to animals; to revise  
4 certain elements constituting the crime of simple cruelty to animals and revise  
5 penalties for violations thereof; to revise certain elements constituting the crime of  
6 aggravated cruelty to animals and revise the penalties for violations thereof; and to  
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 14:102.1(A)(1)(h) and (2) and (B)(5) are hereby amended and  
10 reenacted and R.S. 14:102.1(A)(3) and (B)(6) are hereby enacted to read as follows:

11 §102.1. Cruelty to animals; simple and aggravated

12 A.(1) Any person who intentionally or with criminal negligence commits any  
13 of the following shall be guilty of simple cruelty to animals:

14 \* \* \*

15 (h) Injures any animal belonging to another person without legal privilege  
16 ~~or consent of the owner.~~

17 \* \* \*

18 (2)(a) Whoever commits the crime of simple cruelty to animals shall be fined  
19 not more than ~~one~~ two thousand dollars, or imprisoned for not more than ~~six months~~  
20 one year, or both.

(b) Whoever commits a second or subsequent offense of simple cruelty to animals shall be fined not less than five thousand dollars nor more than twenty-five thousand dollars or imprisoned, with or without hard labor, for not less than one year nor more than ten years, or both. In addition, the court shall issue an order prohibiting the defendant from owning or keeping animals for a period of time deemed appropriate by the court.

(b) (c) In addition to any other penalty imposed, a person who commits the crime of cruelty to animals shall be ordered to perform five eight-hour days of court-approved community service. The community service requirement shall not be suspended.

(d) In addition to any other penalty imposed, the court may order a psychological evaluation or anger management treatment for a first conviction of the crime of simple cruelty to animals. For a second or subsequent offense of the crime of simple cruelty to an animal, the court shall order a psychological evaluation or anger management treatment.

(3) For purposes of this Subsection, if more than one animal is subject to an act of cruel treatment by an offender, each act shall constitute a separate offense.

B.

\* \* \*

(5) In addition to any other penalty imposed for a violation of this Subsection, the offender shall be ordered to undergo a psychiatric evaluation and subsequently recommended psychiatric treatment and shall be banned by court order from owning or keeping animals for a period of time deemed appropriate by the court.

(5) (6) For purposes of this Subsection, where more than one animal is tortured, maimed, mutilated, or maliciously killed<sup>1</sup> or where more than one head of livestock is tampered with, each act comprises a separate offense.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Ligi

HB No. 90

**Abstract:** Revises the elements and penalties of the crimes of simple and aggravated cruelty to animals.

Present law provides that one of the 10 elements of the crime of simple cruelty to animals is when a person intentionally or with criminal negligence injures any animal belonging to another without legal privilege or consent of the owner.

Proposed law deletes language providing for a violation of the crime when the animal is injured without the consent of the owner of the animal and otherwise retains present law.

Present law provides that whoever commits the crime of simple cruelty to animals shall be fined not more than \$1,000 or imprisoned for not more than six months, or both.

Proposed law increases the penalties to a fine of not more than \$2,000 or imprisonment for not more than one year, or both.

Proposed law provides that whoever commits a third or subsequent offense of simple cruelty to animals shall be fined not less than \$5,000 and not more than \$25,000 or imprisonment, with or without hard labor, for not less than one year nor more than 10 years, or both, and shall be banned by court order from owning or keeping animals for a period of time deemed appropriate by the court.

Proposed law also provides that in addition to any other penalty imposed for a violation of the crime of simple cruelty to animals the court may order a psychological evaluation or anger management treatment for a first conviction of the crime of simple cruelty to animals. For a second or subsequent conviction, the court shall order a psychological evaluation or anger management treatment.

Present law provides that any person who intentionally or with criminal negligence tortures, maims, or mutilates any living animal, whether belonging to himself or another, shall be guilty of aggravated cruelty to animals.

Proposed law retains present law penalties for a violation of the crime of aggravated cruelty to animals of a fine of not less than \$5,000 nor more than \$25,000 or imprisonment, with or without hard labor, for not less than one year nor more than 10 years, or both.

Proposed law also provides that in addition to any other penalty imposed for a violation of the crime of aggravated cruelty to animals, the offender shall be ordered to undergo a psychiatric evaluation and subsequently recommended psychiatric treatment and shall be banned by court order from owning or keeping animals for a period of time deemed appropriate by the court.

(Amends R.S. 14:102.1 (A)(1)(h) and (2) and (B)(5); Adds R.S. 14:102.1(A)(3) and (B)(6))